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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 14.09.2023

+ **W.P.(C) 16750/2022**

NOKIA CORPORATION

..... Petitioner

Through: Mr Kishore Kunal and Mr Ankita
Prakash, Advs.

versus

DEPUTY COMMISSIONER OF INCOME TAX

CIRCLE 2(2)(2) INTERNATIONAL TAX & ORS. Respondents

Through: Mr Sanjay Kumar, Senior Standing
Counsel with Ms Easha Kadian and
Ms Hemlata Rawat, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE GIRISH KATHPALIA

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J. (ORAL):

1. There has been some progress in the matter, inasmuch as a substantial part of the principal amount claimed as refund has been verified.
2. For the Assessment Years (AYs) in issue, i.e., AYs 1997-1998 to 2002-2003, the principal sum claimed by the petitioner was Rs. 29,06,95,383/-.
3. Out of the said principal amount, the respondents/revenue have verified an amount equivalent to Rs. 22,46,83,682/-.



4. As per the instructions received by Mr Sanjay Kumar, learned senior standing counsel, the aforementioned verified amount, along with interest, which totals up to Rs. 38,58,05,020/-, would be remitted to the petitioner.
5. Insofar as the balance amount is concerned, Mr Kumar says that the verification process is on.
6. We have already indicated in our order dated 22.05.2023 that if the record of the respondents/revenue is incomplete, they will come up with an alternate solution. As indicated in the order, one such solution which was placed before the Court by the petitioner was that the release of the money could be accompanied by an indemnity bond.
7. As a matter of fact, the hard copy of the instructions received by Mr Kumar *via* email dated 12.09.2023, states that refund will be issued based on indemnity bond furnished by the petitioner. (See paragraph 9 of the email dated 12.09.2023).
8. Therefore, this writ petition is disposed of, with a direction that respondent/revenue will endeavour to locate the record and verify the claim.
- 8.1 In case they are unable to locate their record, they will proceed with the information furnished by the petitioner and release the money based on the indemnity bond furnished by the petitioner.
9. This exercise will be completed in the next eight (8) weeks.
10. Needless to add, since respondents/revenue have already verified a part of the refund claim, amounting to Rs. 38,58,05,020/- (inclusive of interest), the respondents/revenue will ensure that remittance *qua* this amount is made to the petitioner/assessee within the next four (4) weeks.
11. The writ petition is disposed of in the aforesaid terms.



12. List for compliance on 07.12.2023.
13. Registry will scan and upload the email dated 12.09.2023 placed before this Court by Mr Kumar, so that it remains embedded in the case file.

RAJIV SHAKDHER
(JUDGE)

GIRISH KATHPALIA
(JUDGE)

SEPTEMBER 14, 2023/RV

Click here to check corrigendum, if any

